

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

DANIEL J. LEVETO

CRIMINAL DIVISION

Criminal No. 01-006-001 ERIE

**MOTION TO EXTEND THE
TIME TO FILE OBJECTIONS
TO THE PRESENTENCE
INVESTIGATION REPORT**

**Filed on behalf of Defendant,
Daniel J. Leveto**

Counsel of Record for this Party:

**Stephen M. Misko, Esquire
PA I.D. NO. 59999**

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Butler, Pennsylvania 16001**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL DIVISION
	:	
	:	Criminal No. 01-006-001 ERIE
v.	:	
	:	
	:	
DANIEL J. LEVETO	:	

**MOTION TO EXTEND THE TIME TO OBJECTIONS
TO THE PRESENTENCE INVESTIGATION REPORT**

AND NOW, comes the Defendant, Daniel J. Leveto, by and through his attorney, Stephen M. Misko, Esquire, and files the following Motion to Extend the Time to File Objections to the Presentence Investigation Report, and in support thereof avers as follows:

1. The Defendant is scheduled for sentencing on October 6, 2005 at 10:00 a.m.
2. Counsel, formerly in a standby capacity, was appointed to represent the Defendant at sentencing on August 8, 2005.
3. Counsel did not receive the Presentence Investigation Report (PSI), prepared by USPO David J. Conde, until September 6, 2005, due to being on vacation from August 27, 2005 thru September 5, 2005
4. Defense objections to the PSI are to be filed on or before September 12, 2005.
5. Counsel for the Defendant will not have an opportunity to travel to Erie to review the PSI with the Defendant, prior to said date, due to prior court commitments.
6. In addition, counsel anticipates that the objections to the PSI will be numerous and, as such, will require several hours in preparation thereof.

7. Rule 32(f)(1) of the Rules of Criminal Procedure allows for extension of time to file objections to the PSI upon leave of Court.
8. Counsel respectfully requests that the time to file objections to the PSI be extended until September 23, 2005 based upon the above circumstances.

WHEREFORE, the Defendant, Daniel J. Leveto, respectfully requests that this Honorable Court extend the time to file objections to the Presentence Investigation Report, in the above captioned matter, for the reasons stated herein.

Respectfully submitted,

S\Stephen M. Misko

**Stephen M. Misko, Esquire
Attorney for Daniel J. Leveto**

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v.	:	
	:	
	:	
DANIEL J. LEVETO	:	

ORDER

AND NOW, to wit, this _____ day of September, 2005, upon presentation and consideration of the within Motion, it is hereby ORDERED that the Defendant's **Motion to Extend the Time to File Objections to the Presentence Investigation Report** is hereby GRANTED. Defendant's objections to the Presentence Investigation Report shall be filed on or before September 23, 2005.

Maurice B. Cohill, Jr.
Senior U.S. District Court Judge

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	:	
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **Motion to Extend the Time to File Objections to the Presentence Investigation Report** was served by First Class U.S. Mail, postage prepaid, on the following parties, on this the 9th day of September, 2005:

Thomas G. Voracek, Esquire
Rita G. Calvin, Esquire
United States Department of Justice
Tax Division/NCES
601 D Street, N.W.
Washington, D.C. 20530

David J. Conde
United States Probation Officer
17 South Park Row, Room A-110
P.O. Box 1598
Erie, Pennsylvania 16507-1598

S/Stephen M. Misko
Stephen M. Misko, Esquire
Attorney for Daniel J. Leveto

